



MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, February 13, 2019

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/ SEATING OF ALTERNATE

Present: Chair Mandal, Vice Chair Ciardella, Commissioners Maglalang, Sandhu; Alternate Commissioner Chua seated

Absent: Commissioners Mohsin (unexcused), Morris (excused)

Staff: Ned Thomas, Jessica Garner, Heather Lee, Rozalynne Thompson, Michael Fossati, Avery Stark, Adrienne Smith, Elizabeth Medina

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the commission and there were no speakers.

IV. APPROVAL OF MEETING MINUTES

Chair Mandal called for approval of the December 12, 2018 meeting minutes of the Planning Commission.

Vice Chair Ciardella found an error on page 3, *Chair* Ciardella should be *Vice Chair* Ciardella; page 5, *Vice Chair* Maglalang should be *Commissioner* Maglalang.

Motion to approve Planning Commission meeting minutes as *corrected*.

Motion/Second: Commissioner Maglalang/Vice Chair Ciardella

AYES: 4

NOES: 0

ABSTAIN: 1 (Sandhu)

V. ANNOUNCEMENTS

Planning Director Ned Thomas provided departmental updates to the commission regarding:

- Planning Commission appointments will be discussed at February 19th City Council meeting by Mayor and Council Members.
- General Plan Updates from consultants will be presented at City Council meeting on March 5th.

Vice Chair Ciardella reminds the public that Chamber of Commerce crab feed will be on March 1st and the Spring Valley Fire Department will have a pancake breakfast on March 24th between 8-11 am at the Spring Valley Golf Course.

Commissioner Chua shared positive feedback on a project that Assistant Planner, Avery Stark was working on with St. John's Church. Ms. Chua praised Mr. Stark of a good job.

VI. CONFLICT OF INTEREST

City Attorney Healthier Lee asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

VII. APPROVAL OF AGENDA

Chair Mandal asked if staff or Commissioners had changes to the agenda. Planning Director, Ned Thomas noted that the **Item # VIII-1 - BAPS MANDIR FAÇADE REMODEL AND CANOPY ADDITION – 1430 CALIFORNIA CIRCLE – P-UA19-0002, P-MS19-0010** has been continued to the February 27th meeting.

Motion to approve the February 13, 2019 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Chua

AYES: 5

NOES: 0

ABSTAIN: 0

VIII. PUBLIC HEARING

VIII-2 ZONING TEXT AMENDMENT –ACCESSORY DWELLING UNITS– CITYWIDE – P-ZA19-0001: City-initiated Zoning Ordinance Text Amendment to regulate accessory dwelling units within the City of Milpitas. The proposed amendments would modify regulations related to accessory dwelling units to comply with Government Code Sections 65852.2 and 65852.22. The proposed amendments also include revisions not required by State law, but introduced to further encourage the production of accessory dwelling units.

Project Planner Rozalynne Thompson showed a presentation and discussed the project.

Vice Chair Ciardella expressed that he concerned with parking and asked if a resident who has an ADU can cement their entire front yard for more parking. Ms. Thompson noted that the ADU would be subject to Impervious Surface Limitation code, as well as the section on Off-Street Parking, therefore, a resident could not pave their more than fifty percent of their yard for parking.

Commissioner Maglalang asked what is Minor Site Development Permit and a Non-Minor Site Development Permit. Ms. Thompson defined each of the permits and its processes within the City. Mr. Maglalang asked if a three car garage can be converted to a JADU (one garage a JADU and other two garage slots as storage). Ms. Thompson noted that each property is limited to one JADU or one ADU; and out of a three car garage, one can be converted to a JADU/ADU. Ms. Thompson added that the City will require replacement parking. Mr. Maglalang asked about

the property tax of an ADU. Ms. Thompson noted that would be a question for the County Assessor's Office.

Alternate Commissioner Chua what is the ration of Staff proposing to have ADUs located in the back of the property. Ms. Thompson said the rational is so there wouldn't appear as there are two dwellings on a single-family lot. Ms. Chua asked about the minimum square footage of an ADU. Ms. Thompson noted that the minimum would be 150 square feet. Ms. Chua asked about the parking replacement if one side of a two car garage was converted. Ms. Thompson explained the parking replacement formula.

Vice Chair Ciardella asked what is a Zip Car. Ms. Thompson said they are hourly car rentals.

Commissioner Maglalang asked what is the difference between an unpermitted converted garage and an ADU. Ms. Thompson said that the owner of such property would need to get a permit for the work that was done and comply with the City's ADU ordinance.

Chair Mandal asked if we currently have an inventory of ADUs in Milpitas. Ms. Thompson noted that we do have an inventory but unfortunately did not include this information in the Staff Report. Mr. Mandal said that there are currently properties who have converted their garages into living spaces with electrical and carpet. Ms. Thompson said that properties that have heating, electrical within their garage would need building permits and pass inspections to be within code.

Chair Mandal invited members of the audience to address the commission.

Resident Walter Castro, Policy Associate with Silicon Valley Homes (an Affordable Housing Act organization) came to support the zoning ordinance for ADU. He noted it is a key component to Affordable Housing in the Silicon Valley.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 5

NOES: 0

Motion to consider and adopt Resolution No. 19-006 ZONING TEXT AMENDMENT – REGULATION OF ACCESSORY DWELLING UNITS – CITYWIDE – P-ZA19-0001: Consider and adopt a resolution recommending that the City Council adopt a City-initiated Zoning Ordinance Text Amendment to modify and revise the regulations related to accessory dwelling units.

Motion/Second: Commissioner Chua/Commissioner Sandhu

AYES: 5

NOES: 0

IX. NEW BUSINESS

ELEMENT / AC HOTEL – DISCUSSION ON HEIGHT, FAR AND PARKING EXCEPTION – P-PP19-0002: Direct staff to provide required information needed for a Conditional Use Permit for an exception to height, increased floor area, and shared parking for the Element / AC Hotel development located on a 3.34 acre vacant parcel at the northwest corner of Alder Drive and Barber Lane. The memo is for informational purposes only and not subject to State CEQA Guidelines.

Project Planner Michael Fossati showed a presentation, discussed the project's exceptions and asked for input from the Commissioners.

Commissioner Maglalang was supportive of exceptions and requested developers consider parking lift option for parking reduction.

Commissioner Sandh was supportive of exceptions and appreciated Commissioner Maglalang's idea of parking lift.

Commissioner Chua was supportive of exceptions.

Chair Mandal was also supportive of exceptions. He requested developers utilize Traffic Demand Management (TDM) strategies in order to lessen parking and traffic to site. Mr. Mandal also requested developer incorporate "greywater" technology, alternative sources of energy, or other energy efficient devices and/or materials into the project.

Commissioner Ciardella was supportive of exceptions and requested a condition be placed on resolution requiring a dedication of parking space for ride share operator (i.e. Lyft, Uber).

X. ADJOURNMENT

The meeting was adjourned at 8:16 PM.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Maglalang/Commissioner Ciardella

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*